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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,427	12/29/2000	David Bormann	42390P9728	7647

8791 7590 07/16/2003

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EXAMINER

HUYNH, KIM T

ART UNIT PAPER NUMBER

2189

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/751,427

Applicant(s)

BORMANN ET AL.

Examiner

Kim T. Huynh

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly et al. (US Patent 6,357,013)

a. As per claims 1, 14, Kelly discloses an apparatus comprising:

- a configurable link which permits a first level of access if a computer's central processing unit (CPU) is in a first power management state; and (col.2, lines 26-40)
- a second level of access if the computer's CPU is in a second power management state. (col.2, lines 26-40)

b. As per claim 2, Kelly discloses wherein the first power management state and the second power management state each comprises a set of power management states. (col.2, lines 26-40)

c. As per claims 3,16, Kelly discloses the apparatus further comprising a first peripheral device communicatively coupled to the configurable link wherein the

1st Active / Normal Mode)  
2nd Sleep (Saver Mode)

first level of access the peripheral device is capable of operating as a conventional peripheral device. (col.5, lines 18-35)

d. As per claims 4, 15, 20, Kelly discloses the apparatus further comprising a first peripheral device communicatively coupled to the configurable link wherein the second level of access the peripheral device is capable of operating as the default bus master for the computer without assistance from the CPU. (col.8, lines 32-50)

e. As per claims 5, 19, Kelly discloses wherein a peripheral device coupled to the configurable link causes the configurable link to operate in the second level of access when the CPU is in a second power management state. (col.5, lines 18-35)

f. As per claims 6, 17, Kelly discloses wherein the second power management state the computer's CPU is in a sleeping state. (col.2, lines 26-40)

g. As per claims 7, 18, Kelly discloses wherein the second power management state includes power modes s3-s5 as defined in the Advanced Configuration and Power Interface (ACPI) specification.(col.7, lines 39-51), (col.2, lines 15-40)

h. As per claim 8, Kelly discloses wherein the second level of access the transfer rate over the configurable link is different than in the first level of access. (col.2, lines 15-25)

i. As per claim 9, Kelly discloses the apparatus further comprising:

- a first peripheral device coupled to the configurable link; and (col.5, lines 43-49)

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- an input/output hub communicatively coupling the configurable link and the central processing unit (CPU). (col.5, lines 18-35)
- j. As per claim 10, Kelly discloses wherein the first level of access, the CPU manages the input/output hub to control communications to and from the first peripheral device. (col.5, lines 18-35)
- k. As per claim 11, Kelly discloses wherein the second level of access, the configurable link enables the first peripheral device to manage the input/output hub to control communications to and from the first peripheral device. (col.7, lines 39-51)
- l. As per claim 12, Kelly discloses the apparatus further comprising a second peripheral device communicatively coupled to the input/output hub. (col.8, lines 32-67)
- m. As per claim 13, Kelly discloses wherein the second level of access, the first peripheral device can communicate directly with the second peripheral device without assistance from the CPU. (col.8, lines 32-67)
- n. As per claim 21, Kelly discloses a system comprising:
- a sub-system to detect the power management state of a central processor; (col.8, lines 1-49)
  - a sub-system to determine whether the central processor is in a first power management state or a second power management state; (col.2, lines 26-40)

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- a sub-system to allow the central processor to manage data flow over an input/output hub if the central processor is in a first power management state; and (col.5, lines 18-35)
  - a sub-system to configure a link coupling the input/output hub to a first peripheral device to allow the first peripheral device to manage data flow over the hub if the central processor is in a second power management state. (col.4, lines 10-32)
- o. As per claim 22, Kelly discloses the system further comprising a sub-system to initiate a data transfer from the first peripheral device if the central processor is in the second power management state. (col.7, lines 39-51)
- p. As per claim 23, Kelly discloses the system further comprising a sub-system to buffer data at the first peripheral device if the central processor is in the second power management state. (col.4, lines 10-32)
- q. As per claim 24, Kelly discloses the system further comprising a sub-system to allow the first peripheral device to directly access and communicate with a second peripheral device without assistance from the central processor. (col.8, lines 32-67)
- r. As per claim 25, Kelly discloses the system further comprising a sub-system to delay the central processor from transitioning from the second power management state to the first power management state. (col.8, lines 13-50)

### **Conclusion**

3. A shortened statutory period for reply is set to expire **THREE** months from the mailing date of this communication. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after **SIX** (6) months from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If no period for reply is specified above, the maximum statutory period will apply and will expire **SIX** (6) months from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become **ABANDONED** (35 U.S.C 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

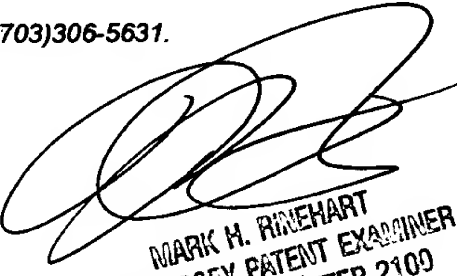
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (703)305-5384 or via e-mail addressed to [kim.huynh3@uspto.gov]. The examiner can normally be reached on M-F 8:30AM- 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815 or via e-mail addressed to [mark.rinehart@uspto.gov]. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7249 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-5631.

Kim Huynh

July 13, 2003



MARK H. RINEHART  
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